



Appeal Decision

Site visit made on 10 December 2021

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 FEBRUARY 2022

Appeal Ref: APP/D0840/W/21/3281054

Higher Kenneggy Farm, Higher Kenneggy, Rosudgeon TR20 9AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Armitage-Philips against the decision of Cornwall Council.
 - The application Ref PA21/00950, dated 1 February 2021, was refused by notice dated 30 April 2021.
 - The development proposed is the conversion of a barn into a residential family home.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. In their appeal submission the Cornwall Council (the Council) have maintained their concerns relating to the effect of the proposal on the character and appearance of the local area, as expressed in their first reason for refusal of decision notice. They have, however, confirmed that Policy 27 of the Cornwall Local Plan (2016) (the Local Plan) and Paragraph 105 of the National Planning Policy Framework (2021), relating to transport and accessibility, were referenced in error and have made no representations in this regard.
3. The Council has also confirmed that, as the appellant has submitted a suitable ecological assessment and a contamination survey, they are content that these address their concerns expressed in reasons 2 and 3 of the decision notice accordingly, and that any potential further investigations could be addressed by a suitable condition. I am happy to accept this position and have considered the appeal accordingly.

Main Issues

4. Given the above, the main issue of this appeal is the effect of the proposal on the character and appearance of the local area.

Reasons

5. The appeal site is within a wider area of countryside defined by a plateau with mature boundary hedges in the South Coast West section of the Cornwall Area of Outstanding Natural Beauty (the AONB) and the Mounts Bay East Landscape Area CA15 (LCA) identified in the Cornwall and Isles of Scilly Landscape

Character Study (2008). The appeal property sits in an open area off a hedge lined lane in the countryside that leads from the A394 towards the coast.

6. The appeal property is on a site set away from a bungalow type dwelling on the edge of the other buildings and structures that make up the developed area of Higher Kenneggy, which appears to be made of a series of houses, buildings and structures that relate to historic farm use. Many, of these appear to be of significant age, constructed from local stone and are architecturally traditional and vernacular in style, which lends significant cohesion and rural beauty to the character and appearance of the local area. This is surrounded by fields against which the appeal property is read and form its backdrop and setting.
7. The appeal property is a relatively contemporary large portal frame agricultural building erected in 2001. It has a plain rendered lower part, with vertical timber cladding above and a corrugated roof in a low pitch. To the front elevation, facing towards the lane that passes through Kenneggy, there are windows and a door at the lower render level, with an extensive double height opening with roller shutter in the centre. To the side and rear there are also other window openings in the render level of the building.
8. It is understood from the material submitted for this appeal that the appeal property has not been in agricultural use since 2006, however, it is beyond the enforcement period for its removal. From my site visit it appears to be in current use as a workshop with storage.
9. As a purely functional large utilitarian portal frame building, its scale and existing appearance fails to contribute to the wider landscape of the local area.
10. The proposal is to convert the building for residential use, which involves the removal of the existing double height opening, the continuation of the timber cladding at the upper level and the cladding of all the lower rendered part of the property with local stone. New asymmetrically positioned window and door openings would be created in the stone clad level and timber level of the property, which would accord with the insertion of a new first floor level. The windows to the proposed first floor would be shielded by projecting timber screens. New roof light openings would also be created at roof level, along with solar panels.
11. The appellant has drawn my attention to the policy position being developed with regard to settlements in the draft Breage Neighbourhood Plan, which is currently at a stage in its development that it can be given some weight in my considerations. However, as it is still open for potential changes through the next stages that lead to its potential adoption, this weight is limited. I have, however, considered the location of the proposal having regard to paragraphs 78 and 79 of the Framework and the Braintree caselaw, which concluded that the definition of 'settlement' within the context of paragraph 79 is not defined and that the Framework contains no definitions of a 'community', a 'settlement' or a 'village', so that whether a site is considered 'isolated' or not, will be a matter of fact and planning judgement for the decision-maker.
12. It is apparent from my site visit that the series of houses at Higher Kenneggy appear to be and are experienced as a defined cluster, which has developed into a coherent hamlet type settlement from what appears to have originally been farms with associated vernacular rural buildings.

13. However, I find that, on those sides of the appeal site away from the boundary that the appeal site shares with the adjacent bungalow, there are boundaries that appear as field boundaries and only part of the boundary is a Cornish hedge, with the rest appearing open. As such the proposal would not infill or round off the boundary of the settlement that I have identified, but would rather appear to be located in a field outside of the cluster of buildings that make up the settlement. It would, therefore, be situated outside of the defined boundaries of any developed area and that of the settlement I have identified. For these reasons the proposal would result in the appearance of an isolated residential development in the countryside that would be contrary to Paragraph 80 of the Framework.
14. Although the design of the conversion of the appeal property to a dwelling would involve the alteration and additions as set out above, I find that, due to its scale, utilitarian appearance and imposed residential design features as a two storey dwelling, the proposal would result in the introduction of an urbanising feature, incongruous within its countryside setting. Along with the use of the remaining part of the appeal site as residential curtilage with residential parking and garden area, this would be harmful to the landscape and scenic beauty of the AONB and would not be in accordance with the objectives of the LCA. I further find that the proposal would cause significant Harm the setting of the traditional vernacular character and appearance of the nearby settlement at Higher Kenneggy and the rural character and appearance of the local area of countryside.
15. For these reasons the proposal would be contrary to Policies 2, 7 12 and 23 of the Local Plan, Policies MD9 and SCW8.04 of the Cornwall Area of Outstanding Natural Beauty Management Plan and Paragraphs 8, 80, 130, 174 and 176 of the Framework. Collectively these seek to ensure that development is sustainable, of good quality design, protects and enhances our natural and built environment and local distinctiveness, avoids creating isolated homes in the countryside, and conserves and enhances the landscape and scenic beauty in AONBs.

Other Matters

16. The appellant has drawn my attention to 2 allowed appeals¹ in the Council area for conversion of redundant agricultural buildings for use as dwellings. Whilst these both involve barn conversions for residential use, these would have been determined on their own individual merits, and I have likewise done the same in my consideration of this appeal.

Conclusion

17. For the reasons given above, having regard to all other matters raised and with paragraph 11 of the Framework in mind, the appeal should be dismissed.

Victor Callister

INSPECTOR

¹ Appeal references: APP/D0840/W/19/3237330 and APP/D0840/W/20/3265193